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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,558	08/10/2001	David R. Schwartz	049796-5001	4301
9629	7590	09/10/2004	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			BELL, MELTIN	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,558

Applicant(s)

SCHWARTZ, DAVID R.

Examiner

Meltin Bell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/10/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to application **09/925,558** filed **8/10/01**.

Claims 1-26 have been examined.

Information Disclosure Statement

The information disclosure statement filed 8/10/01 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because of missing or inaccurate information in the listing:

- The Hudson et al reference is missing its date of publication

It has been placed in the application file. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Drawings

The drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is required in correcting any errors of which applicant may become aware in the drawings.

The drawings are objected to because:

- The item numbers for Figs. 5a-c on page 32, [0077] are missing

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- Process step numbers should point to the steps and not the arrows between the steps in Figs. 4a-c
- The steps between Fig. 4a steps 403 and 404, Fig. 4b steps 412 and 415, Fig. 4c steps 422 and 424, Fig. 4c steps 427 and 429 and Fig. 4c step 418 and C should be labeled and numbered
- 'Decision block 417' of page 38, [0091] is missing from Figs. 4a-c
- The direction of process step flow for A and B in Fig. 4a, D in Fig. 4b as well as C and D in Fig. 4c are unclear

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is required in correcting any errors of which applicant may become aware in the specification.

The disclosure is objected to because of the following informalities:

- The use of the trademarks MICROSOFT INTERNET EXPLORERTM and NETSCAPE NAVIGATORTM have been noted in this application (specification page 35, [0083]). They should be capitalized wherever they appear and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be

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respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

- The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: Adaptive Fuzzy Logic Risk Assessment (AFLRA) Systems and Methods
- 'and exemplary' on page 12, [0033] would read well removed
- The table on page 27 should be numbered as indicated on page 16, [0051] or the table number should be removed including from page 20, [0058], page 22, [0061] as on page 25, [0068]
- 'discourses of universe' and 'universe of discourses' on page 18, [0054] and page 25, [0068] would read well as 'universes of discourse'
- 'universe of discourses' on page 25, [0068] would read well as 'universes of discourse'
- 'degree the depends' is unclear on page 22, [0061]

Appropriate correction is required.

Claim Objections

Claim 26 is objected to because of the following informalities:

Regarding claim 26:

- 'one live expert' would read well as 'one expert'

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 6, 14-16, 23 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Tallman et al* USPN 5,471,382 "Medical network management system and process" (November 28, 1995) in view of *Prezioso* EPN 0 681 249 "Fuzzy logic entity behavior profiler" (November 8, 1995).

Regarding claim 1:

Tallman et al teaches,

- a computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means")
- a memory accessible by the computer (column 3, lines 47-54, "The NMS 11 ... software and data 20")
- a first file stored (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") in the memory (column 3, lines 47-54, "The NMS 11 ... software and data 20") and including data defining profile of a first individual (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")

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- an interface component (Figs. 1A, 5-24; column 1, lines 10-18, "it relates to ... appropriate care") that allows the first individual and a set of second individuals associated with the first individual to access the first file (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") and set at least one of the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")

- a risk assessment application in the computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means") for computing and storing in the computer memory a risk score (column 59, lines 7-14, "an algorithm asks ... the patient's score") for the first individual using input based on the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")

However, *Tallman et al* doesn't explicitly teach weighted profile characteristics while *Prezioso* teaches,

- weighted profile characteristics (Abstract, "The present invention ... external storage device")

Motivation - The portions of the claimed system would have been a highly desirable feature in this art for

- Determining behavior profiles of entities that have a large number of behavior characteristics where one or more of the characteristics is weighted to determine

the profile (*Prezioso*, page 3, lines 29-31, "Another object of ... determine the profile")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Tallman et al* as taught by *Prezioso* for the purpose of determining behavior profiles of entities that have a large number of behavior characteristics where one or more of the characteristics is weighted to determine the profile.

Regarding claim 2:

The rejection of claim 2 is the same as that for claim 1 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 6:

The rejection of claim 6 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 6's limitations difference is taught in *Tallman et al*:

- the interface component comprises a telephonic connection between the first individual or the set of second individuals and the system computer (Abstract, "In a medical ... of potential needs")

Regarding claim 14:

The rejection of claim 14 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 14's limitations difference is taught in *Prezioso*:

- the computer includes software that compares the computed risk score with a predetermined value (page 3, lines 50-54, "behavior characteristics, or ... same peer group") and generates a marker (page 17, lines 23-28, "Step 1150 retrieve from system ... as illustrated in Figure 23") in the first file (page 4, lines 1-11, "The unrestricted expandability ... external storage device") when the composite risk score meets or exceeds the predetermined value (The examiner notes the marker as equivalent to *Prezioso's* fuzzy sets in Figs. 2, 6, 8, 11, 15-22, 24, 26.)

Regarding claim 15:

The rejection of claim 15 is the same as that for claim 14 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 16:

Tallman et al teaches,

- creating and storing in a memory accessible by a computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means") a first file (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") including data defining profile (column 3, lines 47-54, "The NMS 11 ... software and data 20"; column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient") of a first individual

- storing in the memory a risk assessment application (column 2, lines 30-35, "A medical network ... and input means") for computing a composite risk score (column 59, lines 7-

14, "an algorithm asks ... the patient's score") indicative of a level of the risk type
(column 4, lines 13-20, "The key piece ... of potential needs")

- computing the composite risk score (column 59, lines 7-14, "an algorithm asks ... the patient's score") by providing input based on the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient") of the first file (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") to the risk assessment application (column 2, lines 30-35, "A medical network ... and input means")

- storing (column 73, lines 31-32, "all of its ... is now stored") the composite risk score (column 59, lines 7-14, "an algorithm asks ... the patient's score") in the computer memory (Fig. 1; column 2, lines 30-35, "A medical network ... and input means"; column 3, lines 47-54, "The NMS 11 ... software and data 20")

- generating at least one first query set (column 2, lines 35-52, "The patient assessment ... on the display") in the computer memory (column 58, lines 54-60, "The Y/N? Node ... are as follows"), wherein the query set corresponds to the risk type (column 4, lines 13-20, "The key piece ... of potential needs")

- allowing the first individual or a second set of individuals associated with the first individual to access at least one question of the at least one first query set (Figs. 4A-E, 74; column 2, lines 35-52, "The patient assessment ... on the display"; column 58, lines 54-60, "The Y/N? Node ... are as follows") in the computer memory (column 3, lines 47-

54, "The NMS 11 ... software and data 20"; column 58, lines 54-60, "The Y/N? Node ... are as follows")

- allowing transmission of information (column 5, lines 23-39, "Provider Information Component 24 ... to a provider"; column 8, lines 45-49, "the health plan ... of care provided") corresponding to the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient"), and based on responses to the at least one question of the at least one first query set from the first individual or second set of individuals associated with the first individual (column 58, lines 54-60, "The Y/N? Node ... are as follows"), to the computer and storing the information in the first file (column 3, lines 47-54, "The NMS 11 ... software and data 20"; column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file")

However, *Tallman et al* doesn't explicitly teach profile characteristics while *Prezioso* teaches,

- profile characteristics (Abstract, "The present invention ... external storage device")

Motivation - The portions of the claimed method would have been a highly desirable feature in this art for

- Determining behavior profiles of entities that have a large number of behavior characteristics where one or more of the characteristics is weighted to determine the profile (*Prezioso*, page 3, lines 29-31, "Another object of ... determine the profile")

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Tallman et al* as taught by *Prezioso* for the purpose of determining behavior profiles of entities that have a large number of behavior characteristics where one or more of the characteristics is weighted to determine the profile.

Regarding claim 23:

The rejection of claim 23 is similar to that for claim 16 as recited above since the stated limitations of the claim are set forth in the references. Claim 23's limitations difference is taught in *Tallman et al*:

- the risk assessment application (Abstract, "In a medical ... of potential needs")

Prezioso:

- the application comprises a neural network and the method further comprises training the application (page 3, lines 12-15, "a neural network ... understanding of fraud")

Regarding claim 25:

The rejection of claim 25 is similar to that for claim 16 as recited above since the stated limitations of the claim are set forth in the references. Claim 25's limitations difference is taught in *Tallman et al*:

- the risk assessment application (Abstract, "In a medical ... of potential needs")

Prezioso:

- the application comprises a neural network and the method further comprises training the application (page 3, lines 12-15, "a neural network ... understanding of fraud") using

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an input set of profile characteristics from a plurality of first individuals (Abstract, "The present invention ... external storage device")

Regarding claim 26:

The rejection of claim 26 is similar to that for claim 16 as recited above since the stated limitations of the claim are set forth in the references. Claim 26's limitations difference is taught in *Tallman et al*:

- the risk assessment application (Abstract, "In a medical ... of potential needs")

Prezioso:

- the application comprises a neural network and the method further comprises training the application using at least one neural network (page 3, lines 12-15, "a neural network ... understanding of fraud") and at least one live expert (page 6, lines 53-57, "The first step ... for the profile")

Claims 3, 8, 11-12 and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Tallman et al* in view of *Prezioso* and in further view of *Bro USPN* 5,596,994 "Automated and interactive behavioral and medical guidance system" (January 28, 1997).

Regarding claim 3:

Tallman et al teaches,

- a computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means")
- a memory accessible by the computer (column 3, lines 47-54, "The NMS 11 ... software and data 20")

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- a first file stored (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") in the memory (column 3, lines 47-54, "The NMS 11 ... software and data 20") and including data defining profile of a first individual (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")

- an interface component (Figs. 1A, 5-24; column 1, lines 10-18, "it relates to ... appropriate care") that allows the first individual and a set of second individuals associated with the first individual to access the first file (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") and set at least one of the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")

- a risk assessment application in the computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means") for computing and storing in the computer memory a risk score (column 59, lines 7-14, "an algorithm asks ... the patient's score") for the first individual using input based on the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")

However, *Tallman et al* doesn't explicitly teach weighted profile characteristics or a network server computer while *Prezioso* teaches,

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- weighted profile characteristics (Abstract, "The present invention ... external storage device")

Bro teaches,

- the computer is a network server computer (column 20, lines 39-42, "By utilizing the ... for specific purposes")

Motivation - The portions of the claimed system would have been a highly desirable feature in this art for

- Determining behavior profiles of entities that have a large number of behavior characteristics where one or more of the characteristics is weighted to determine the profile (*Prezioso*, page 3, lines 29-31, "Another object of ... determine the profile")
- Effecting considerable savings in transmission costs (*Bro*, column 20, lines 42-48, "An advantage of ... in transmission costs")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Tallman et al* as taught by *Prezioso* and *Bro* for the purpose of determining behavior profiles of entities that have a large number of behavior characteristics as well as effecting considerable savings in transmission costs.

Regarding claim 8:

Tallman et al teaches,

- a computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means")
- a memory accessible by the computer (column 3, lines 47-54, "The NMS 11 ... software and data 20")

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- a first file stored (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") in the memory (column 3, lines 47-54, "The NMS 11 ... software and data 20") and including data defining profile of a first individual (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")
- an interface component (Figs. 1A, 5-24; column 1, lines 10-18, "it relates to ... appropriate care") that allows the first individual and a set of second individuals associated with the first individual to access the first file (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") and set at least one of the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")
- a risk assessment application in the computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means") for computing and storing in the computer memory a risk score (column 59, lines 7-14, "an algorithm asks ... the patient's score") for the first individual using input based on the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")
- the interface component comprises a telephonic connection between the first individual or the set of second individuals and the system computer (Abstract, "In a medical ... of potential needs")

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However, *Tallman et al* doesn't explicitly teach weighted profile characteristics or the telephonic connection comprises a second computer and a modem while *Prezioso* teaches,

- weighted profile characteristics (Abstract, "The present invention ... external storage device")

Bro teaches,

- the telephonic connection comprises a second computer and a modem (Fig. 1; column 33, lines 30-61, "by incorporating a ... central mainframe computer")

Motivation - The portions of the claimed system would have been a highly desirable feature in this art for

- Determining behavior profiles of entities that have a large number of behavior characteristics where one or more of the characteristics is weighted to determine the profile (*Prezioso*, page 3, lines 29-31, "Another object of ... determine the profile")
- Effecting considerable savings in transmission costs (*Bro*, column 20, lines 42-48, "An advantage of ... in transmission costs")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Tallman et al* as taught by *Prezioso* and *Bro* for the purpose of determining behavior profiles of entities that have a large number of behavior characteristics as well as effecting considerable savings in transmission costs.

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Regarding claim 11:

The rejection of claim 11 is similar to that for claim 3 as recited above since the stated limitation of the claim are set forth in the references. Claim 11's limitations difference is taught in *Tallman et al*:

- the system memory includes one or more query files (Figs. 4A-E, 70-74; column 21, lines 25-30, "at the heart ... patient's presenting symptoms"; column 62, lines 49-50, "A new file ... now been created"; column 63, lines 1-21, "Enter the Y/N? nodes ... question of the algorithm"), and wherein a software application in the server generates query sets from the one or more query files for at least one of the first individual and the set of second individuals (Figs. 1A, 5-24; column 1, lines 10-18, "it relates to ... appropriate care"; column 2, lines 65-67, "a data processing ... algorithms. A stored"; column 3, lines 1-8, "program editor generated ... chain logic algorithms"), and responses to the query sets are stored in the computer memory (column 59, lines 7-14, "an algorithm asks ... the patient's score"; column 22, lines 58-64, "The Algorithm Navigation ... Algo-rithm Navigation Window"; The examiner notes *Tallman et al*'s "record" as putting data into a storage device, such as computer memory.)

Regarding claim 12:

The rejection of claim 12 is the same as that for claim 11 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 17:

Tallman et al teaches,

- creating and storing in a memory accessible by a computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means") a first file (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") including data defining profile (column 3, lines 47-54, "The NMS 11 ... software and data 20"; column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient") of a first individual
- storing in the memory a risk assessment application (column 2, lines 30-35, "A medical network ... and input means") for computing a composite risk score (column 59, lines 7-14, "an algorithm asks ... the patient's score") indicative of a level of the risk type (column 4, lines 13-20, "The key piece ... of potential needs")
- computing the composite risk score (column 59, lines 7-14, "an algorithm asks ... the patient's score") by providing input based on the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient") of the first file (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") to the risk assessment application (column 2, lines 30-35, "A medical network ... and input means")
- storing (column 73, lines 31-32, "all of its ... is now stored") the composite risk score (column 59, lines 7-14, "an algorithm asks ... the patient's score") in the computer

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memory (Fig. 1; column 2, lines 30-35, "A medical network ... and input means"; column 3, lines 47-54, "The NMS 11 ... software and data 20")

- generating at least one first query set (column 2, lines 35-52, "The patient assessment ... on the display") in the computer memory (column 58, lines 54-60, "The Y/N? Node ... are as follows"), wherein the query set corresponds to the risk type (column 4, lines 13-20, "The key piece ... of potential needs")

- allowing the first individual or a second set of individuals associated with the first individual to access at least one question of the at least one first query set (Figs. 4A-E, 74; column 2, lines 35-52, "The patient assessment ... on the display"; column 58, lines 54-60, "The Y/N? Node ... are as follows") in the computer memory (column 3, lines 47-54, "The NMS 11 ... software and data 20"; column 58, lines 54-60, "The Y/N? Node ... are as follows")

- allowing transmission of information (column 5, lines 23-39, "Provider Information Component 24 ... to a provider"; column 8, lines 45-49, "the health plan ... of care provided") corresponding to the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient"), and based on responses to the at least one question of the at least one first query set from the first individual or second set of individuals associated with the first individual (column 58, lines 54-60, "The Y/N? Node ... are as follows"), to the computer and storing the information in the first file (column 3, lines 47-54, "The NMS 11 ... software and data 20"; column 45, lines 56-60, "Type comments in ... to a file"; column

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71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file")

However, *Tallman et al* doesn't explicitly teach profile characteristics or generating an alarm signal when the composite risk score exceeds a predetermined value or falls within a predetermined range of values while *Prezioso* teaches,

- profile characteristics (Abstract, "The present invention ... external storage device")

Bro teaches,

- generating an alarm signal when the composite risk score exceeds a predetermined value or falls within a predetermined range of values (column 6, lines 14-17, "A processor accesses ... from those sites")

Motivation - The portions of the claimed method would have been a highly desirable feature in this art for

- Determining behavior profiles of entities that have a large number of behavior characteristics where one or more of the characteristics is weighted to determine the profile (*Prezioso*, page 3, lines 29-31, "Another object of ... determine the profile")
- Effecting considerable savings in transmission costs (*Bro*, column 20, lines 42-48, "An advantage of ... in transmission costs")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Tallman et al* as taught by *Prezioso* and *Bro* for the purpose of determining behavior profiles of entities that have a large number of behavior characteristics as well as effecting considerable savings in transmission costs.

Regarding claim 18:

The rejection of claim 18 is similar to that for claim 17 as recited above since the stated limitations of the claim are set forth in the references. Claim 18's limitations difference is taught in *Bro*:

- storing data corresponding to the alarm signal in the computer memory (column 5, lines 40-52, "The central office ... violation signal alarming"; The examiner notes *Bro*'s "recording" as putting data into a storage device, such as computer memory.)

Tallman et al:

- allowing at least one individual of the second set of individuals to access data (Figs. 4A-E, 74; column 2, lines 35-52, "The patient assessment ... on the display"; column 3, lines 47-54, "The NMS 11 ... software and data 20"; column 58, lines 54-60, "The Y/N? Node ... are as follows")

Prezioso:

- the data corresponding to the marker (Figs. 2, 6, 8, 11, 15-22, 24, 26)

Regarding claim 19:

The rejection of claim 19 is similar to that for claim 17 as recited above since the stated limitations of the claim are set forth in the references. Claim 19's limitations difference is taught in *Bro*:

- generating and storing in the computer memory (column 35, lines 32-39, "another configuration would ... questions administered daily") at least one second query set, wherein the selection of at least one question for the second query set (column 35, lines 66-67, "The specific content ... upon his education"; column 36, lines 1-19, "gender,

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age, demographic ... the predetermined model 100") is based on changes (column 11, lines 60-67, "FIG. 3 is a diagram ... stages of change"; column 12, lines 1-32, "FIG. 6 is a graphic ... stages of change") in the first individual's profile characteristics (column 2, lines 11-16, "The need to ... by interactive feedback") causing said alarm signal (column 5, lines 40-52, "The central office ... violation signal alarming")

Regarding claim 20:

Tallman et al teaches,

- creating and storing in a memory accessible by a computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means") a first file (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") including data defining profile (column 3, lines 47-54, "The NMS 11 ... software and data 20"; column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient") of a first individual
- storing in the memory a risk assessment application (column 2, lines 30-35, "A medical network ... and input means") for computing a composite risk score (column 59, lines 7-14, "an algorithm asks ... the patient's score") indicative of a level of the risk type (column 4, lines 13-20, "The key piece ... of potential needs")
- computing the composite risk score (column 59, lines 7-14, "an algorithm asks ... the patient's score") by providing input based on the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient") of the first file (column 45, lines 56-60, "Type comments in ... to a file";

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column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2,

"provide the proper ... store the completed file") to the risk assessment application

(column 2, lines 30-35, "A medical network ... and input means")

- storing (column 73, lines 31-32, "all of its ... is now stored") the composite risk score

(column 59, lines 7-14, "an algorithm asks ... the patient's score") in the computer

memory (Fig. 1; column 2, lines 30-35, "A medical network ... and input means"; column

3, lines 47-54, "The NMS 11 ... software and data 20")

- generating at least one first query set (column 2, lines 35-52, "The patient assessment

... on the display") in the computer memory (column 58, lines 54-60, "The Y/N? Node ...

are as follows"), wherein the query set corresponds to the risk type (column 4, lines 13-

20, "The key piece ... of potential needs")

- allowing the first individual or a second set of individuals associated with the first

individual to access at least one question of the at least one first query set (Figs. 4A-E,

74; column 2, lines 35-52, "The patient assessment ... on the display"; column 58, lines

54-60, "The Y/N? Node ... are as follows") in the computer memory (column 3, lines 47-

54, "The NMS 11 ... software and data 20"; column 58, lines 54-60, "The Y/N? Node ...

are as follows")

- allowing transmission of information (column 5, lines 23-39, "Provider Information

Component 24 ... to a provider"; column 8, lines 45-49, "the health plan ... of care

provided") corresponding to the profile (column 8, lines 25-32, "This information

represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the

patient"), and based on responses to the at least one question of the at least one first

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query set from the first individual or second set of individuals associated with the first individual (column 58, lines 54-60, "The Y/N? Node ... are as follows"), to the computer and storing the information in the first file (column 3, lines 47-54, "The NMS 11 ... software and data 20"; column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file")

However, *Tallman et al* doesn't explicitly teach profile characteristics or the information is transmitted within a computer network, and the computer is a server in the network while *Prezioso* teaches,

- profile characteristics (Abstract, "The present invention ... external storage device")

Bro teaches,

- the information is transmitted (column 11, lines 17-21, "the present invention ... and public networks") within a computer network (column 13, lines 37-46, "The answers to ... as shown in FIG. 1"), and the computer is a server in the network (column 20, lines 39-42, "By utilizing the ... for specific purposes")

Motivation - The portions of the claimed method would have been a highly desirable feature in this art for

- Determining behavior profiles of entities that have a large number of behavior characteristics where one or more of the characteristics is weighted to determine the profile (*Prezioso*, page 3, lines 29-31, "Another object of ... determine the profile")

- Effecting considerable savings in transmission costs (*Bro*, column 20, lines 42-48, "An advantage of ... in transmission costs")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Tallman et al* as taught by *Prezioso* and *Bro* for the purpose of determining behavior profiles of entities that have a large number of behavior characteristics as well as effecting considerable savings in transmission costs.

Regarding claim 21:

The rejection of claim 21 is similar to that for claim 19 as recited above since the stated limitations of the claim are set forth in the references. Claim 21's limitations difference is taught in *Bro*:

- storing on the server memory (column 19, lines 5-23, "the computer driven ... in its memory") a software application (column 6, lines 51-57, "The digital network ... of audio information") allowing communication between the first individual and at least one individual of the second set of individuals (column 35, lines 32-42, "another configuration would ... administer prescribed medication"), or between individuals of the second set of individuals

Regarding claim 22:

The rejection of claim 22 is similar to that for claim 19 as recited above since the stated limitations of the claim are set forth in the references. Claim 22's limitations difference is taught in *Bro*:

- providing the first individual or at least one individual of the second set of individuals with network resources (column 2, lines 19-25, "The active involvement ... and

reasoned judgement”) based on a response to at least one question of the query set (column 6, lines 12-27, “The Bergeron et al., patent ... before it communicates”; column 14, lines 49-62, “The network 24 relays ... to the questions”)

Claims 4-5 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Tallman et al* in view of *Prezioso* and in further view of *Graettinger et al* USPN 5,839,438 “Computer-based neural network system and method for medical diagnosis and interpretation” (November 24, 1998).

Regarding claim 4:

Tallman et al teaches,

- a computer (Fig. 1; column 2, lines 30-35, “A medical network ... and input means”)
- a memory accessible by the computer (column 3, lines 47-54, “The NMS 11 ... software and data 20”)
- a first file stored (column 45, lines 56-60, “Type comments in ... to a file”; column 71, lines 65-67, “click on the FILE ... which you will”; column 72, lines 1-2, “provide the proper ... store the completed file”) in the memory (column 3, lines 47-54, “The NMS 11 ... software and data 20”) and including data defining profile of a first individual (column 8, lines 25-32, “This information represents ... do not treat”; column 20, lines 36-37, “The Patient Chart ... for the patient”)
- an interface component (Figs. 1A, 5-24; column 1, lines 10-18, “it relates to ... appropriate care”) that allows the first individual and a set of second individuals associated with the first individual to access the first file (column 45, lines 56-60, “Type

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comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") and set at least one of the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")

- a risk assessment application in the computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means") for computing and storing in the computer memory a risk score (column 59, lines 7-14, "an algorithm asks ... the patient's score") for the first individual using input based on the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")

However, *Tallman et al* doesn't explicitly teach weighted profile characteristics or the risk assessment application has an ability to learn from patterns within a set of measured input variables and thereby adjust the risk assessment application based on the patterns of the set of measured input variables while *Prezioso* teaches,

- weighted profile characteristics (Abstract, "The present invention ... external storage device")

Graettinger et al teaches,

- the application has an ability to learn from patterns (column 2, lines 27-38, "Artificial neural networks ... can impact it") within a set of measured input variables (column 7, lines 41-52, "the neural network ... and diagnostic measurements") and thereby adjust the application (column 8, lines 50-59, "the weight adjustments ... in this application") based on the patterns of the set of measured input variables

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Motivation - The portions of the claimed system would have been a highly desirable feature in this art for

- Determining behavior profiles of entities that have a large number of behavior characteristics where one or more of the characteristics is weighted to determine the profile (*Prezioso*, page 3, lines 29-31, "Another object of ... determine the profile")
- Efficiently identifying and interpreting significant medical diagnosis factors (Abstract, "A neural network ... more detailed analysis")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Tallman et al* as taught by *Prezioso* and *Graettinger et al* for the purpose of determining behavior profiles of entities that have a large number of behavior characteristics as well as efficiently identifying and interpreting significant medical diagnosis factors.

Regarding claim 5:

Tallman et al teaches,

- a computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means")
- a memory accessible by the computer (column 3, lines 47-54, "The NMS 11 ... software and data 20")
- a first file stored (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") in the memory (column 3, lines 47-54, "The NMS 11 ... software and data 20") and including data defining profile of a first individual (column

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8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")

- an interface component (Figs. 1A, 5-24; column 1, lines 10-18, "it relates to ... appropriate care") that allows the first individual and a set of second individuals associated with the first individual to access the first file (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") and set at least one of the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")

- a risk assessment application in the computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means") for computing and storing in the computer memory a risk score (column 59, lines 7-14, "an algorithm asks ... the patient's score") for the first individual using input based on the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")

However, *Tallman et al* doesn't explicitly teach weighted profile characteristics or the risk assessment application has an ability to adapt to changes by training the risk assessment application with data based on a set of known risk scores and respective sets of known input variables corresponding to the known risk scores while *Prezioso* teaches,

- weighted profile characteristics (Abstract, "The present invention ... external storage device")

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Graettinger et al teaches,

- the application has an ability to adapt to changes (column 2, lines 27-38, "Artificial neural networks ... can impact it") by training the application with data based on a set of known scores (column 8, lines 50-59, "the weight adjustments ... in this application") and respective sets of known input variables (column 7, lines 41-52, "the neural network ... and diagnostic measurements") corresponding to the known risk scores (Figs. 3, 7-8)

Motivation - The portions of the claimed system would have been a highly desirable feature in this art for

- Determining behavior profiles of entities that have a large number of behavior characteristics where one or more of the characteristics is weighted to determine the profile (*Prezioso*, page 3, lines 29-31, "Another object of ... determine the profile")
- Efficiently identifying and interpreting significant medical diagnosis factors (Abstract, "A neural network ... more detailed analysis")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Tallman et al* as taught by *Prezioso* and *Graettinger et al* for the purpose of determining behavior profiles of entities that have a large number of behavior characteristics as well as efficiently identifying and interpreting significant medical diagnosis factors.

Regarding claim 24:

Tallman et al teaches,

- creating and storing in a memory accessible by a computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means") a first file (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") including data defining profile (column 3, lines 47-54, "The NMS 11 ... software and data 20"; column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient") of a first individual
- storing in the memory a risk assessment application (column 2, lines 30-35, "A medical network ... and input means") for computing a composite risk score (column 59, lines 7-14, "an algorithm asks ... the patient's score") indicative of a level of the risk type (column 4, lines 13-20, "The key piece ... of potential needs")
- computing the composite risk score (column 59, lines 7-14, "an algorithm asks ... the patient's score") by providing input based on the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient") of the first file (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") to the risk assessment application (column 2, lines 30-35, "A medical network ... and input means")
- storing (column 73, lines 31-32, "all of its ... is now stored") the composite risk score (column 59, lines 7-14, "an algorithm asks ... the patient's score") in the computer

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memory (Fig. 1; column 2, lines 30-35, "A medical network ... and input means"; column 3, lines 47-54, "The NMS 11 ... software and data 20")

- generating at least one first query set (column 2, lines 35-52, "The patient assessment ... on the display") in the computer memory (column 58, lines 54-60, "The Y/N? Node ... are as follows"), wherein the query set corresponds to the risk type (column 4, lines 13-20, "The key piece ... of potential needs")

- allowing the first individual or a second set of individuals associated with the first individual to access at least one question of the at least one first query set (Figs. 4A-E, 74; column 2, lines 35-52, "The patient assessment ... on the display"; column 58, lines 54-60, "The Y/N? Node ... are as follows") in the computer memory (column 3, lines 47-54, "The NMS 11 ... software and data 20"; column 58, lines 54-60, "The Y/N? Node ... are as follows")

- allowing transmission of information (column 5, lines 23-39, "Provider Information Component 24 ... to a provider"; column 8, lines 45-49, "the health plan ... of care provided") corresponding to the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient"), and based on responses to the at least one question of the at least one first query set from the first individual or second set of individuals associated with the first individual (column 58, lines 54-60, "The Y/N? Node ... are as follows"), to the computer and storing the information in the first file (column 3, lines 47-54, "The NMS 11 ... software and data 20"; column 45, lines 56-60, "Type comments in ... to a file"; column

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71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file")

However, *Tallman et al* doesn't explicitly teach profile characteristics, the risk assessment application comprises a neural network and the method further comprises training the risk assessment application or the training of the risk assessment application is performed using a backpropagation technique while *Prezioso* teaches,

- profile characteristics (Abstract, "The present invention ... external storage device")
- the application comprises a neural network and the method further comprises training the application (page 3, lines 12-15, "a neural network ... understanding of fraud")

Graettinger et al teaches,

- the training of the application is performed using a backpropagation technique (column 14, lines 17-22, "Using conventional backpropagation ... for this application")

Motivation - The portions of the claimed method would have been a highly desirable feature in this art for

- Determining behavior profiles of entities that have a large number of behavior characteristics where one or more of the characteristics is weighted to determine the profile (*Prezioso*, page 3, lines 29-31, "Another object of ... determine the profile")
- Efficiently identifying and interpreting significant medical diagnosis factors (Abstract, "A neural network ... more detailed analysis")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Tallman et al* as taught by *Prezioso* and *Graettinger et al*

for the purpose of determining behavior profiles of entities that have a large number of behavior characteristics as well as efficiently identifying and interpreting significant medical diagnosis factors.

Claims 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Tallman et al* in view of *Prezioso* and in further view of *Hayward et al* USPAN 2003/0023703 "CONTEXT SENSITIVE WEB-BASED USER SUPPORT" (Published January 30, 2003; Filed September 16, 1999).

Regarding claim 7:

Tallman et al teaches,

- a computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means")
- a memory accessible by the computer (column 3, lines 47-54, "The NMS 11 ... software and data 20")
- a first file stored (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") in the memory (column 3, lines 47-54, "The NMS 11 ... software and data 20") and including data defining profile of a first individual (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")
- an interface component (Figs. 1A, 5-24; column 1, lines 10-18, "it relates to ... appropriate care") that allows the first individual and a set of second individuals associated with the first individual to access the first file (column 45, lines 56-60, "Type

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comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") and set at least one of the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")

- a risk assessment application in the computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means") for computing and storing in the computer memory a risk score (column 59, lines 7-14, "an algorithm asks ... the patient's score") for the first individual using input based on the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")

- the interface component comprises a telephonic connection between the first individual or the set of second individuals and the system computer (Abstract, "In a medical ... of potential needs")

However, *Tallman et al* doesn't explicitly teach weighted profile characteristics or the telephonic connection comprises a hot line operator while *Prezioso* teaches,

- weighted profile characteristics (Abstract, "The present invention ... external storage device")

Hayward et al teaches,

- the telephonic connection comprises a hot line operator (Fig. 2; page 1, [0005], "Manufacturers typically maintain ... the requested information")

Motivation - The portions of the claimed system would have been a highly desirable feature in this art for

- Determining behavior profiles of entities that have a large number of behavior characteristics where one or more of the characteristics is weighted to determine the profile (*Prezioso*, page 3, lines 29-31, "Another object of ... determine the profile")
- Easing access to the requested information (*Hayward et al*, page 1, [0005], "Manufacturers typically maintain ... the requested information")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Tallman et al* as taught by *Prezioso* and *Hayward et al* for the purpose of determining behavior profiles of entities that have a large number of behavior characteristics as well as easing access to the requested information.

Claims 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Tallman et al* in view of *Prezioso* in view of *Bro* and in further view of *Hayward et al*.

Regarding claim 9:

Tallman et al teaches,

- a computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means")
- a memory accessible by the computer (column 3, lines 47-54, "The NMS 11 ... software and data 20")
- a first file stored (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") in the memory (column 3, lines 47-54, "The NMS 11 ... software and data 20") and including data defining profile of a first individual (column

8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")

- an interface component (Figs. 1A, 5-24; column 1, lines 10-18, "it relates to ... appropriate care") that allows the first individual and a set of second individuals associated with the first individual to access the first file (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") and set at least one of the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")

- a risk assessment application in the computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means") for computing and storing in the computer memory a risk score (column 59, lines 7-14, "an algorithm asks ... the patient's score") for the first individual using input based on the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")

- the interface component comprises a telephonic connection between the first individual or the set of second individuals and the system computer (Abstract, "In a medical ... of potential needs")

However, *Tallman et al* doesn't explicitly teach weighted profile characteristics or the telephonic connection comprises a wireless device for accessing the Internet while *Prezioso* teaches,

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- weighted profile characteristics (Abstract, "The present invention ... external storage device")

Bro teaches,

- the telephonic connection comprises a wireless device (Fig. 1; column 33, lines 45-61, "a variety of ... central mainframe computer")

Hayward et al teaches,

- a device for accessing the Internet (page 1, [0019], "In FIG. 2, SOHO computer 30 ... to the Internet")

Motivation - The portions of the claimed system would have been a highly desirable feature in this art for

- Determining behavior profiles of entities that have a large number of behavior characteristics where one or more of the characteristics is weighted to determine the profile (*Prezioso*, page 3, lines 29-31, "Another object of ... determine the profile")
- Effecting considerable savings in transmission costs (*Bro*, column 20, lines 42-48, "An advantage of ... in transmission costs")
- Easing access to the requested information (*Hayward et al*, page 1, [0005], "Manufacturers typically maintain ... the requested information")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Tallman et al* as taught by *Prezioso*, *Bro* and *Hayward et al* for the purpose of determining behavior profiles of entities that have a large number

of behavior characteristics as well as effecting considerable savings in transmission costs and easing access to the requested information.

Claims 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Tallman et al* in view of *Prezioso* in view of *Bro* and in further view of *Moshfeghi et al* USPN 6,076,166 "Personalizing hospital intranet web sites" (June 13, 2000).

Regarding claim 10:

Tallman et al teaches,

- a computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means")
- a memory accessible by the computer (column 3, lines 47-54, "The NMS 11 ... software and data 20")
- a first file stored (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") in the memory (column 3, lines 47-54, "The NMS 11 ... software and data 20") and including data defining profile of a first individual (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")
- an interface component (Figs. 1A, 5-24; column 1, lines 10-18, "it relates to ... appropriate care") that allows the first individual and a set of second individuals associated with the first individual to access the first file (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") and set at least

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one of the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")

- a risk assessment application in the computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means") for computing and storing in the computer memory a risk score (column 59, lines 7-14, "an algorithm asks ... the patient's score") for the first individual using input based on the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")

However, *Tallman et al* doesn't explicitly teach weighted profile characteristics, a network server computer or the first individual has a first privileged level of server access and the each of the set of second individuals has a respective privileged level of access to the first file, each respective level of access being based on a relationship between respective ones of the second set of individuals and the first individual while *Prezioso* teaches,

- weighted profile characteristics (Abstract, "The present invention ... external storage device")

Bro teaches,

- the computer is a network server computer (column 20, lines 39-42, "By utilizing the ... for specific purposes")

Moshfeghi et al teaches,

- the first individual has a first privileged level of server access and the each of the set of second individuals has a respective privileged level of access to the first file, each

respective level of access being based on a relationship between respective ones of the second set of individuals and the first individual (Abstract, "The server includes ... the server load")

Motivation - The portions of the claimed system would have been a highly desirable feature in this art for

- Determining behavior profiles of entities that have a large number of behavior characteristics where one or more of the characteristics is weighted to determine the profile (*Prezioso*, page 3, lines 29-31, "Another object of ... determine the profile")
- Effecting considerable savings in transmission costs (*Bro*, column 20, lines 42-48, "An advantage of ... in transmission costs")
- Generating personalized content (*Moshfeghi et al*, column 1, lines 42-58, "These and other ... generate personalized content")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Tallman et al* as taught by *Prezioso*, *Bro* and *Moshfeghi et al* for the purpose of determining behavior profiles of entities that have a large number of behavior characteristics as well as effecting considerable savings in transmission costs and generating personalized content.

Claims 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Tallman et al* in view of *Prezioso* in view of *Bro* in view of *Moshfeghi et al* and in further

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view of *Kuhn* USPN 6023765 A "Implementation of role-based access control in multi-level secure systems" (February 8, 2000).

Regarding claim 13:

Tallman et al teaches,

- a computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means")
- a memory accessible by the computer (column 3, lines 47-54, "The NMS 11 ... software and data 20")
- a first file stored (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") in the memory (column 3, lines 47-54, "The NMS 11 ... software and data 20") and including data defining profile of a first individual (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")
- an interface component (Figs. 1A, 5-24; column 1, lines 10-18, "it relates to ... appropriate care") that allows the first individual and a set of second individuals associated with the first individual to access the first file (column 45, lines 56-60, "Type comments in ... to a file"; column 71, lines 65-67, "click on the FILE ... which you will"; column 72, lines 1-2, "provide the proper ... store the completed file") and set at least one of the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")
- a risk assessment application in the computer (Fig. 1; column 2, lines 30-35, "A medical network ... and input means") for computing and storing in the computer

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memory a risk score (column 59, lines 7-14, "an algorithm asks ... the patient's score") for the first individual using input based on the profile (column 8, lines 25-32, "This information represents ... do not treat"; column 20, lines 36-37, "The Patient Chart ... for the patient")

However, *Tallman et al* doesn't explicitly teach weighted profile characteristics, a network server computer, the first individual has a first privileged level of server access and the each of the set of second individuals has a respective privileged level of access to the first file, each respective level of access being based on a relationship between respective ones of the second set of individuals and the first individual or a subset of the set of second individuals level of access includes access to the composite risk score in the memory while *Prezioso* teaches,

- weighted profile characteristics (Abstract, "The present invention ... external storage device")

Bro teaches,

- the computer is a network server computer (column 20, lines 39-42, "By utilizing the ... for specific purposes")

Moshfeghi et al teaches,

- the first individual has a first privileged level of server access and the each of the set of second individuals has a respective privileged level of access to the first file, each respective level of access being based on a relationship between respective ones of the second set of individuals and the first individual (Abstract, "The server includes ... the server load")

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Kuhn teaches,

- a subset of the set of second individuals level of access includes access to the memory (Abstract, "Role-based access control ... of the MLS system"; Fig. 3)

Motivation - The portions of the claimed system would have been a highly desirable feature in this art for

- Determining behavior profiles of entities that have a large number of behavior characteristics where one or more of the characteristics is weighted to determine the profile (*Prezioso*, page 3, lines 29-31, "Another object of ... determine the profile")
- Effecting considerable savings in transmission costs (*Bro*, column 20, lines 42-48, "An advantage of ... in transmission costs")
- Generating personalized content (*Moshfeghi et al*, column 1, lines 42-58, "These and other ... generate personalized content")
- Providing access to protected objects (*Kuhn*, column 3, lines 36-49, "each role within ... security provided by MLS")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Tallman et al* as taught by *Prezioso*, *Bro*, *Moshfeghi et al* and *Kuhn* for the purpose of determining behavior profiles of entities that have a large number of behavior characteristics as well as effecting considerable savings in transmission costs, generating personalized content and providing access to protected objects.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- *Prezioso*; EPN 681249; Fuzzy logic entity behavior profiler
- *Hayward et al*; US 20030023703 A1; CONTEXT SENSITIVE WEB-BASED USER SUPPORT
- *Kuhn*; US 6023765; Implementation of role-based access control in multi-level secure systems
- *Heinze*; US 5622429; Medical apparatus for transferring data between a data monitoring unit and a remote data analysis unit via a contactless memory card
- *Quattrocchi*; US 5978466; Method and system for anonymously testing for a human malady
- *Basso et al*; US 6131090; Method and system for providing controlled access to information stored on a portable recording medium
- *Hinkle*; US 6190313; Interactive health care system and method
- *Richardson*; US 6314405; Medical log apparatus and method
- *Karpf*; US 6334192; Computer system and method for a self administered risk assessment
- *Groth et al*; US 6443889; Provision of decision support for acute myocardial infarction
- *Reed et al*; US 6524239; Apparatus for non-intrusively measuring health parameters of a subject and method of use thereof

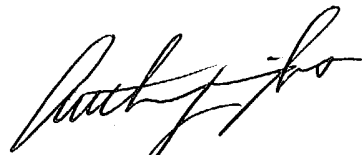
- *Mahran*; US 6581038; Automated profiler system for providing medical information to patients
- *Glover*; US 6711547; Handheld medical processing device storing patient records, prescriptions and x-rays used by physicians
- *Iliff*; US 6569093; Automated diagnostic system and method including disease timeline
- *Kirshner*; US 6322504; Computerized interactive method and system for determining a risk of developing a disease and the consequences of developing the disease

Any inquiry concerning this communication or earlier communications from the Office should be directed to Melvin Bell whose telephone number is 571-272-3680. This Examiner can normally be reached on Mon - Fri 7:30 am - 4:30 pm.

If attempts to reach this Examiner by telephone are unsuccessful, his supervisor, Anthony Knight, can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MB /m.n


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